

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1322 - SB 1298

February 20, 2020

SUMMARY OF ORIGINAL BILL: Increases the fines for failure to operate a motor vehicle properly on approach of emergency vehicle and when approaching certain stationary vehicles (1) from a range of \$100 to \$500 to a range of \$500 to \$1,000 for the first violation; (2) from a range of \$500 to \$1,000 to a range of \$1,000 to \$1,500 for the second violation; and (3) from a minimum of \$1,000 to a minimum of \$1,500 for a third or subsequent violations.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014959): Deletes all language after the enacting clause. Authorizes entities that own emergency vehicles to, or contract to, purchase, install, operate, and maintain cameras for the purpose of recording images of motor vehicles that fail to operate properly on approach of an emergency vehicle and when approaching certain stationary vehicles.

Specifies rules and procedures for evidence and penalties related to the violation. Requires a first offense to be punished by a fine not to exceed \$50. Requires fines imposed on motor vehicle operators for a first offense based solely upon evidence obtained from a driver and camera to be allocated as follows: 50 percent to the entity owning the emergency vehicle for the purposes of defraying costs related to the camera purchase, installation, operation, and maintenance; 40 percent to the Department of Transportation (TDOT) for advertising campaigns focused on safe driving practices; and 10 percent to the law enforcement agency.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue –

Exceeds \$4,500/FY20-21 and Subsequent Years/TDOT

Increase Local Revenue –

Exceeds \$6,800/FY20-21 and Subsequent Years/Permissive

Increase Local Expenditures –

Exceeds \$219,000/FY20-21/Permissive

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. T.C.A. § 55-8-101(3)(A-C), an "authorized emergency vehicle" is defined as fire department, fire patrol, police vehicles or bicycles, emergency, rescue and emergency response vehicles owned by a state-chartered rescue squad, emergency lifesaving crew, or active unit of the Tennessee Association of Rescue Squads, and vehicles operated by commissioned members of the Tennessee Bureau of Investigation when on official business.
- Pursuant to Tenn. Code Ann. § 55-8-132, upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals, the driver must yield the right-of-way and pull the driver's vehicle over to the right edge of the roadway until the emergency vehicle has passed. Upon approaching a stationary authorized emergency vehicle, recovery vehicle, highway maintenance vehicle, solid waste vehicle, or utility service vehicle when the vehicle is giving a signal by use of flashing lights, the driver must proceed with due caution and change into a lane not adjacent to the stationary vehicle or reduce the speed of the driver's vehicle. Upon approaching a stationary motor vehicle that is located on the shoulder, emergency lane, or median and the stationary vehicle is giving a signal by use of flashing lights, the driver must proceed with caution and change into a lane not adjacent to the stationary vehicle or reduce the speed of the driver's vehicle.
- Many local law enforcement agencies, as well as Tennessee Highway Patrol, vehicles currently have in-car video cameras; TBI vehicles do not. It is not expected that the TBI will employ cameras under this legislation.
- Given that information, it is assumed that only some fire department vehicles will utilize the provisions of this legislation.
- The Knoxville Fire Department currently has 5 trucks and 14 fire engines. The Nashville Fire Department has 10 trucks and 40 fire engines and the Memphis Fire Department has 21 trucks and 56 fire engines.
- Assuming at least one locality will utilize the provisions of this legislation in each grand division of the state (and assuming such localities are representative Knoxville, Nashville, and Memphis), there will be at least 146 ($5 + 14 + 10 + 40 + 21 + 56$) cameras purchased or contracted across the state.
- Entities owning emergency vehicles have a range of options that will impact the cost of installing, operating, and maintaining camera systems. This includes the types of cameras (e.g., analog, HD, multi-camera system, etc.) purchased and whether the entity purchases the cameras or enters into a lease agreement with a camera system provider.
- Based on out-of-state districts that have installed camera systems on their school bus fleets, it is estimated that the average cost for entities in Tennessee to install cameras will be \$1,500 per vehicle.
- It is assumed that all permissive installation of cameras will take place within the first fiscal year after this legislation is enacted.
- The one-time permissive increase to local expenditures is estimated to exceed \$219,000 ($\$1,500 \times 146$) in FY20-21.
- According to the most recent Department of Safety figures, an average of 1,421 "Move Over" citations was issued in a year.

- It can be reasonably assumed that there will be at least a 20 percent increase of total citations issued under this legislation, resulting in a minimum of 284 ($1,421 \times 20\%$) more citations each fiscal year.
- Twenty percent of fines are assumed to go unpaid due to indigence.
- Assuming all new offenses are first time offenses and will be charged the maximum \$50 fine, the increase in revenue in FY20-21 and subsequent years will exceed \$11,360 [$(284 \times \$50) \times 80\%$].
- According to the provisions of this legislation, the fines imposed are to be earmarked as follows: 50 percent to the entity owning the emergency vehicle for the purposes of defraying costs related to the camera purchase, installation, operation, and maintenance; 40 percent to TDOT for advertising campaigns focused on safe driving practices; and 10 percent to the law enforcement agency.
- This would result in \$5,680 ($\$11,360 \times 50\%$) to the entity owning the emergency vehicle for the purposes of defraying costs related to the camera purchase, installation, operation, and maintenance, \$4,544 ($\$11,360 \times 40\%$) to TDOT for safe driving advertising, and \$1,136 ($\$11,360 \times 10\%$) to the law enforcement agency each fiscal year.
- As this memorandum assumes this legislation will only affect fire departments, which are local entities, the entirety of the 50 percent to the entity owning the emergency vehicle for the purposes of defraying costs related to the camera purchase, installation, operation, and maintenance and 10 percent to the law enforcement agencies will go to local governments. This results in at least a \$6,816 ($\$5,680 + \$1,136$) increase in revenue to local governments in FY20-21 and subsequent years.
- The increase in state revenue to TDOT in FY20-21 and subsequent years will exceed \$4,544.
- Any increase in workload to local law enforcement or courts can be accomplished with existing resources and personnel.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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